IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2408 OF 2005

Mr. Abhas J. Thaver ... Petitioner

Vs.

B.M.C. & Ors. ... Respondents

Ms. Sangeeta Musle for Petitioenr.

Mr. B.N. Shroff, A.G.P.f or R. No. 2.

Mr. T. Puranik for R. No. 1.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: OCTOBER 07, 2006

P.C.:

. A request by the counsel for the Petitioner for adjournment is rejected. The Petitioner earlier approached this court by way of Writ Petition No. 1821 of 2003. That was disposed of by order dated 17.2.2004 directing the Respondent Corporation to hear the Petitioner and Respondent No. 3 in that Petition. Pursuant to that, the Executive Engineer, Building Proposal (W.S.) H & K/East by order dated 17.9.2004 has held that the plans of shops constructed no South-East corner of corner of plot bearing C.T.S. No. 1244 "A" of village Marol Building known as Chaner Apartment (Yusuf Mahal Maroshi Road, Andheri (East) were approved by leaving adequate open spaces in terms of Order dated 03.11.1987 as per the Development Control Rules. The occupation certificates for the said shops

portion were granted on 03.1.1989.

. Considering the above, in our opinion, this will not be a fit case for this court to exercise extra ordinary jurisdiction. It will be open to the Petitioner, if advised to take appropriate proceedings including by way of civil suit, if in law they have such right. With the above observations, Petition disposed of.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**